

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE:
LATONYA BECK-SUGGS, DEBTOR

CHAPTER 7 PROCEEDING
CASE NO. 19-11317-JDW

U.S. BANK, NATIONAL ASSOCIATION, AS
TRUSTEE FOR CITIGROUP MORTGAGE LOAN
TRUST INC., ASSET-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2006-HE2

PLAINTIFF

VS.

LATONYA BECK-SUGGS, DEBTOR

DEFENDANT

**MOTION FOR RELIEF FROM AUTOMATIC STAY
AND FOR OTHER RELIEF**

COMES NOW, U.S. Bank, National Association, as Trustee for Citigroup Mortgage
Loan Trust Inc., Asset-Backed Pass-Through Certificates, Series 2006-HE2, a party in interest in
this cause, by and through its attorney, and moves this Court to lift the automatic stay as to
certain property of the Debtor, and for other relief, and in support of said motion would
respectfully show unto the Court the following to wit:

I.

That on or about March 27, 2019, the above named Debtor filed a voluntary petition in
Bankruptcy pursuant to 11 U.S.C. Chapter 7. By operation of 11 U.S.C. 362, the Plaintiff is
prohibited from commitment of any judicial proceeding against the Defendant, any act to obtain
possession of property of the estate, or any act to enforce any lien against the property of the
estate.

II.

That the Bankruptcy Court has jurisdiction over this proceeding pursuant to 28 U.S.C.
1471 and 11 U.S.C. 362.

III.

That on or about March 11, 2006, Ronald Suggs and Latonya Suggs, did execute a certain Note and Deed of Trust in favor of AMC Mortgage Services, Inc. and secured by the following real property located at 9444 Austin Drive, Olive Branch, MS 38654:

THE FOLLOWING DESCRIBED REAL ESTATE, SITUATED AND BEING IN OLIVE BRANCH COUNTY OF DESOTO, STATE OF MISSISSIPPI:
LOT 57, SECOND ADDITION, CEDAR CREST ESTATE SUBDIVISION,
SITUATED IN SECTION 10, TOWNSHIP 2 SOUTH, RANGE 6 WEST, CITY OF OLIVE BRACH, DESOTO COUNTY, MISSISSIPPI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 50, PAGE 7, IN THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSPPI.

Said Deed of Trust is recorded in the DeSoto County Chancery Clerk's office in Book 2437 at Page 642. Further, said Note and Deed of Trust were subsequently assigned to Plaintiff by assignment recorded in the office of the Chancery Clerk aforesaid. A copy of said Deed of Trust attached hereto as an Exhibit as though fully copied herein. The value of the subject property is \$256,000.00 according to the Debtor's Schedule A/B attached as Exhibit 1.

IV.

That the Defendant has defaulted in the payment of the current months' indebtedness and is now due and owing for the April 1, 2019 payment and all subsequent payments. That as of July 18, 2019, Plaintiff is due \$5,064.22, plus all payments and charges that accrue hereafter. As of July 18, 2019, the payoff amount is \$303,860.18.

V.

Plaintiff would show that sufficient cause exists for the termination, annulment or modification of the automatic stay as provided in 11 U.S.C.362 (d) (1) because of the failure of the Defendant to make the payments set forth above and because there is no equity in the property and because subject property is of inconsequential value or benefit to the estate and

further that the Trustee should abandon the property pursuant to 11 U.S.C. §554(b). Plaintiff would urge the Court to terminate, modify or lift the automatic stay and abandon the subject property from the estate of the Debtor, so as to allow the Plaintiff to pursue all remedies available to it under the terms and conditions of said Deed of Trust, and applicable state law, including initiation of foreclosure proceedings. Plaintiff further asks for attorney fees and court costs incurred. Plaintiff also requests that the 14-day stay imposed by FRBP 4001(a)(3) be waived.

WHEREFORE, PREMISES CONSIDERED, U.S. Bank, National Association, as Trustee for Citigroup Mortgage Loan Trust Inc., Asset-Backed Pass-Through Certificates, Series 2006-HE2 files this Motion and prays that the automatic stay afforded by 11 U.S.C. 362 be terminated, modified or lifted, after notice and hearing, so as to allow Plaintiff to pursue its remedies and to initiate foreclosure proceedings against the property which is subject to said Deed of Trust, that the Trustee be ordered to abandon the property from the estate pursuant to 11 U.S.C. §554(b) and for attorney's fees and costs incurred. Plaintiff also requests that the 14-day stay imposed by FRBP 4001(a)(3) be waived.

Respectfully submitted
SHAPIRO & BROWN, LLC

/s/ J. Gary Massey
J. Gary Massey
Attorney for Creditor

CERTIFICATE OF SERVICE

I, J. Gary Massey, of the firm of Shapiro & Brown, LLC, do hereby certify that I have this date provided a copy of the foregoing Motion for Relief either by electronic case filing or by United States mail postage pre-paid to the following:

Jeffrey A. Livingston
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Robert H. Lomenick, Jr., Attorney for the Debtor
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Office of the U.S. Trustee
USTPRegion05.AB.ECF@usdoj.gov

Latonya Beck-Suggs
9444 Austin Drive
Olive Branch, MS 38654

Dated: July 18, 2019

Respectfully submitted
SHAPIRO & BROWN, LLC

/s/ J. Gary Massey
J. Gary Massey
Attorney for Creditor

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